

1 HEATHER E. WILLIAMS, CA Bar #122664
2 Federal Defender
3 REED GRANTHAM, CA Bar #294171
4 Assistant Federal Defender
5 Office of the Federal Defender
6 2300 Tulare Street, Suite 330
7 Fresno, CA 93721-2226
8 Telephone: (559) 487-5561
9 Fax: (559) 487-5950

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11 Attorneys for Defendant
12 FRANCISCO MELGOZA

13
14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE EASTERN DISTRICT OF CALIFORNIA

16
17 UNITED STATES OF AMERICA,
18 Plaintiff,
19 vs.
20 FRANCISCO MELGOZA,
21 Defendant.

Case No. 1:21-cr-00192-NONE-SKO

**STIPULATION TO CONTINUE STATUS
CONFERENCE; ORDER**

Date: April 20, 2022
Time: 1:00 p.m.
Judge: Hon. Sheila K. Oberto

12
13 IT IS HEREBY STIPULATED by and between the parties through their respective
14 counsel, Assistant United States Attorney Christopher Baker, counsel for plaintiff, and Assistant
15 Federal Defender Reed Grantham, counsel for Francisco Melgoza, that the status conference
16 currently scheduled for February 2, 2022, at 1:00 p.m. may be continued to April 20, 2022, at
17 1:00 p.m.

18
19 Mr. Melgoza made his initial appearance in this matter on July 13, 2021. *See* Dkt. #4. On
20 November 23, 2021, the parties filed a stipulation setting a briefing schedule and hearing date on
21 a defense motion to suppress. *See* Dkt. #22. The defense filed a motion to suppress on December
22 10, 2021. *See* Dkt. #23. A hearing was held on the motion before the Honorable Jennifer L.
23 Thurston on January 21, 2022. *See* Dkt. #29. Thereafter, on January 27, 2022, pursuant to a
24 written order, the motion was denied and a status conference was set for February 2, 2022. *See*
25 Dkt. 30.

1 On May 13, 2020, this Court issued General Order 618, which extended the previous
2 restrictions on courthouse access and in-court hearings until further notice from the Court. This
3 General Order was entered to address public health concerns related to COVID-19. By this
4 stipulation, the parties now move to continue the status conference until April 6, 2022, and to
5 exclude time between February 2, 2022, and April 20, 2022, under 18 U.S.C. §§ 3161(h)(7)(A)
6 and 3161(h)(7)(B)(i), (ii) and (iv).

7 The parties agree and stipulate, and request that the Court find the following. The
8 government has provided discovery in this matter. The defense remains in the process of
9 reviewing the discovery with his client and conducting further investigation. Additionally, in
10 light of the denial of the defense motion to suppress on January 27, 2022, the defense requires
11 additional time to discuss the case with his client, to conduct any further investigation and
12 research, and to participate in any plea negotiation discussions with the government.

13 The requested continuance will conserve time and resources for the parties and the Court.
14 Counsel for defendant believes that failure to grant the above-requested continuance would deny
15 him the reasonable time necessary for effective preparation, taking into account the exercise of
16 due diligence. The government does not object to the continuance.

17 Based on the above-stated findings, the ends of justice served by continuing the case as
18 requested outweigh the interest of the public and the defendant in a trial within the original date
19 prescribed by the Speedy Trial Act. For the purpose of computing time under the Speedy Trial
20 Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of February 2,
21 2022, to April 20, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A)
22 and 3161(h)(7)(B)(i), (ii) and (iv) because it results from a continuance granted by the Court at
23 defendant's request on the basis of the Court's finding that the ends of justice served by taking
24 such action outweigh the best interest of the public and the defendant in a speedy trial.

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1 Respectfully submitted,

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3 PHILLIP A. TALBERT
United States Attorney

4 Date: January 31, 2022

5 /s/ Christopher Baker
CHRISTOPHER BAKER
6 Assistant United States Attorney
Attorney for Plaintiff

7 HEATHER E. WILLIAMS
8 Federal Defender

9 Date: January 31, 2022

10 /s/ Reed Grantham
11 REED GRANTHAM
12 Assistant Federal Defender
13 Attorney for Defendant
14 FRANCISCO MELGOZA

O R D E R

15 **IT IS SO ORDERED.** The time period of the date of this order to April 20, 2022,
16 inclusive, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i),
17 (ii) and (iv) because it results from a continuance granted by the Court at defendant's request on
18 the basis of the Court's finding that the ends of justice served by taking such action outweigh the
19 best interest of the public and the defendant in a speedy trial. The status conference currently
20 scheduled for February 2, 2022, at 1:00 p.m. is hereby continued to April 20, 2022, at 1:00 p.m.

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22 Date: 1/31/2022

23 /s/ Sheila K. Oberto
24 Hon. Sheila K. Oberto
25 United States Magistrate Judge
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